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ABSTRACT

This study investigates how informed New York State middle school teachers (N=190) in public schools are about school law and case law which impacts on them in their professional roles. The study focuses on four areas: teacher rights and responsibilities, student rights, instruction, and health and safety. In addition to assessing subjects' overall understanding of school law, the study seeks to determine specific areas in which teachers may be deficient and to explore possible relationships between level of understanding and gender, type of school (i.e., urban, rural, suburban), and years of teaching experience. The average score of the 190 middle school teachers was 59 percent correct on the 35-item questionnaire. The sample was most deficient in the area of instruction (47 percent) and most knowledgeable in the area of student rights (73 percent), followed by health and safety (60 percent), and teachers' rights and responsibilities (57 percent). The "Questionnaire on School Law," which was used in the study, is found in the appendix. (IAH)

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HOW INFORMED ARE MIDDLE SCHOOL TEACHERS ABOUT LAWS WHICH AFFECT THEM

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CHAPTER 1

STATEMENT OF PROBLEM AND BACKGROUND

Authors of recent textbooks on school law (Fischer, Schimmel and Kelly, 1987; La Monte, 1982; Nolte, 1978; and Strahan and Turner, 1987) warn their readers: we are living in a litigious society and classroom teachers and school administrators who remain uninformed on school law and case law as it impacts on their professional role, do so at their own peril. Strathan and Turner (1987) go on to further declare that educators must not only have a working knowledge of education law, but, they must engage in legal risk management, i.e., in the every day discharge of their professional duties, they must practice preventive actions.

These calls for more awareness of school law led us to wonder: Just how much does the classroom teacher really know about school law?

The purpose of this study is to investigate how informed New York State middle school teachers in public schools are about school law and case law which impacts on them in their professional role.

We decided to focus on four related areas: teacher rights and responsibilities, student rights, instruction, and health and safety.

The research on the teacher's awareness and understanding of school law and case law is limited. Menacker and Pascarella (1983) tested teachers and administrators on their knowledge of "13 major Supreme Court cases" and while admitting they had "no standard to judge an adequate level of knowledge" characterized the results as "disappointing." Sametz and McLoughlin (1983; 1984) and Sametz,

McLoughlin, and Streib (1983) surveyed undergraduates, sophomores and seniors, and teachers on their knowledge of legal issues affecting children and they too expressed dissatisfaction with the level of understanding displayed by the participants. In a related study, Dastoli et al (1987) found that education graduates and student teachers perceived their self-competence in school law to be limited.

The research in this area needs to be updated and expanded. This study seeks not only to assess the overall understanding middle school teachers have of school law but also to determine specifically in which areas of school law they may be deficient. This study will also explore possible relationships between level of understanding and gender (male or female), location of school (rural, suburban, or urban) and years of teaching experience (1-5, 6-10, 11-15, 16-20, 20+ years).

CHAPTER 2

METHODOLOGY

This section describes the subjects, the instrument used in collecting data, and procedures for collecting and analyzing the data.

The researchers developed a questionnaire comprised of thirty-five true-false statements based on the information contained in the New York State School Boards Association's Publication, School Law 1990: A Handbook For School Board Members. The handbook has as its sources:..."New York State Law, Rules of the Board of Regents, Decisions and Regulations of the Commissioner of Education, Opinions of the Comptroller, and Court decisions at all levels (Handbook, p.IX).

Four major areas of school law were chosen to be evaluated: teacher rights and responsibilities (11 items), student rights (10 items), instruction (9 items), and health and safety (5 items).

The survey of teacher rights and responsibilities included statements on

- Mandated medical examinations
- Faculty dress codes
- Corporal punishment
- Ethics
- Legal representations
- Freedom of speech
- Right to strike
- Time off for religious observations
- Tenure and insubordination
- Retrenchment
- Leave for pregnancy

The student rights addressed were

- Freedom of speech and dress
- Searching students and their lockers
- Due process in disciplinary actions
- Lowering student grades
- Students with AIDS
- Pregnant students

The items surveying instruction touched on

- Copyrighted materials
- Regulations on textbooks
- Provisions for instruction on AIDS
- Teaching about religion
- Barring students from certain high school courses
- Solicitation of charitable contributions

Finally, the area of health and safety focused on

- Child abuse
- Teacher liability
- Smoker's rights
- Flammable paper products

The questionnaire can be found in the Appendix.

One hundred ninety teachers in five Western New York middle schools (one urban, one rural, and three suburban) responded to the questionnaire items by checking T (true), F (false), or N (no knowledge). In scoring, N was treated as an incorrect response.

Of these 190 teachers, 41% are males and 59% are females. Almost half (49%) have been teaching for more than 20 years and the majority (58%) are teaching in suburban schools. The complete breakdowns for all three categories are given in Table 1.

Standardized procedures were followed for all administrations of the questionnaire. The principal or his representative distributed the questionnaire to the teachers during a regularly scheduled school faculty meeting and read to them standardized instructions. Both the

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school and those responding to the questionnaire were assured of anonymity.

They were also requested to mark true or false to those items for which they had some knowledge and not to guess at answers.

TABLE 1

DESCRIPTION
OF
SAMPLE

Sex	N	Percent
Male	77	41
Female	113	59
	190	
Years Teaching		
0-5	35	19
6-10	18	10
11-15	20	11
16-20	23	12
21 or more	93	49
	189	
School's Location		
Rural	9	5
Urban	70	37
Suburban	111	58
	190	

CHAPTER 3

FINDINGS

The findings will be presented in the following order: (1) the averages for the total group on the 35-item questionnaire and for each of the four areas; (2) comparisons within each of the three groups being studied; and (3) a listing of the statements responded to correctly by 80% or more of the sample.

Although some of the statements focused on specific points of school law, the 190 teachers in our sample had an average of 59% correct on the thirty-five item questionnaire. They were most knowledgeable in the area of student rights (73%), followed by health and safety (60%), teacher rights and responsibilities (57%), and instruction (47%). [See Table 2]

Urban teachers (63% correct) had the best, overall, average score. Three other groups scored 60% or better---teachers with 21 or more years of experience (62%), teachers with 11-15 years of experience (60%), and males (60%). Teachers in the rural school had the lowest overall score, 53%. [See Table 3]

The average scores for the individual groups for each of the four categories of school law comprising the questionnaire are summarized in Table 4.

Urban teachers again emerge as the most knowledgeable. They had the highest averages in two areas---teacher rights and responsibilities (61%) and student rights (79%)---and placed second in the other two.

Teachers with 11-15 years of experience were the ones who were first in instruction (53%) and health and safety (65%).

The evidence points to the urban teachers as, overall, on points of school law being the most knowledgeable. They outscored the entire sample not only on the questionnaire (63% vs 59%) but for each of four areas---teachers rights and responsibilities (61% vs 57%), student rights (79% vs 73%), instruction (48% vs 47%), and health and safety (65% vs 60%).

Besides seeking to assess the overall understanding teachers have of school law and to determine specifically in which areas they may be deficient, we also sought to explore possible relationships between level of understanding and gender, type of school the individual is teaching in and years of teaching experience.

On only one variable, type of school, did a consistent pattern and a clear difference emerge. The urban teachers outscored their rural and suburban colleagues in all four categories of school law and in two categories, teacher rights (61% vs suburban 54% and rural 44%) and student rights (79% vs suburban 68% and rural 73%). The percentage differences were large. Rural teachers were the only group to miss more than half the items on teacher rights (44%). [See Table 4]

While comparing males and females, we found no large percentage differences on either the total questionnaire or any of its divisions. The differences ranged from two to four percentage points. [See Table 4]

When we considered teaching experience, we found only a large percentage difference in the area of student rights; teachers with 21 or

more years of experience topped the younger groups by 8 to 12 percentage points (77% vs 69% and 65%). Though the margins were small, the teachers with 11-15 years experience had the highest percent correct in two areas, instruction (53%) and safety (66%).

The 190 participants had an average score of 70% or higher on 14 of the 35 items. Nine of these 14 were in the area of student rights. What follows are the eight specific points of school law on which the teachers had an 80% or higher average. [See Table 5]

- All instructional personnel are required by law to report suspected cases of child abuse. (94%)
- School districts must provide pregnant student with educational opportunities which are equal to those provided to regular students. (87%)
- School districts have a duty to accommodate requests by teachers for time off for purposes of religious observation. (84%)
- Students have the right to wear or display buttons, arm bands, flags, decals or other badges of symbolic personal expression, where the manner of expression does not materially intrude upon the orderly process of the school or the rights of others. (83%)
- A student with AIDS or any other HIV-related illness cannot be prohibited from attending school solely because he/she has an HIV-related illness. (83%)
- No student may be suspended in excess of five school days without the opportunity for a hearing. (82%)
- School administrators have the authority to censor or curtail student publications. (80%)
- Teachers in New York State do not have the right to strike. (80%)

The results are presented in the following section.

TABLE 2

AVERAGE SCORES ON QUESTIONNAIRE AND
AREAS OF SCHOOL LAW BY TOTAL SAMPLE

	Entire Questionnaire 35 items	Teacher Rights 11 items	Student Rights 10 items	Instruction 9 items	Health Safety 5 items
Mean	20.6	6.27	7.3	4.23	3.0
% Correct	59%	57%	73%	47%	60%

TABLE 3

PERCENT CORRECT
ON
35-ITEM QUESTIONNAIRE
BY GROUPS

Sex	
Male	60
Female	58
Years Teaching	
0-5	55
6-10	58
11-15	60
16-20	55
21 or more	62
Location of School	
Rural	53
Urban	63
Suburban	56

TABLE 4

PERCENT CORRECT
ON
AREAS OF SCHOOL LAW
BY GROUPS

	Teacher Rights & Responsibilities	Student Rights	Instruction	Health Safety
Sex				
Male	58	75	48	58
Female	56	72	46	62
Years Teaching				
0-5	57	65	39	58
6-10	57	65	48	62
11-15	55	69	53	66
16-20	53	69	40	58
21 or more	60	77	48	65
School's Location				
Rural	44	73	37	62
Urban	61	79	48	65
Suburban	54	68	46	56

TABLE 5

PERCENTAGES OF
CORRECT RESPONSES
FOR THE 35 ITEMS

% Correct	Teacher Rights	Student Rights	Instruction	Health Safety
90-				1
80-89	2	5	1	
70-79		4	2	1
60-69	2		2	1
50-59	5		1	
40-49				1
30-39	1			
20-29	1	1	1	1
10-19			2	
0-10				
TOTALS	11	10	9	5

CHAPTER 4

RESULTS

This study sought to assess the overall understanding middle school teachers have of school law, to determine specifically in which areas of school law they may be deficient, and to explore possible relationships between level of understanding and gender, type of school the individual is teaching in and years of teaching experience.

The 190 middle school teachers averaged 59% correct on the 35-item questionnaire, a performance which can be rated, at the most, as adequate. Keeping in mind the length of the questionnaire and the specificity of many of the items, this score compares favorably with the 64.4% average the educators in the Menacker and Pascarella (1983) attained on the 10-item questionnaire on major Supreme Court decisions relating to education.

The sample could be judged to be "deficient" in only one area, instruction. Here their score (47%) was below 50%. The middle school teachers were most knowledgeable in the area of student rights (73%), followed by health and safety (60%) and teachers rights and responsibilities (57%).

Three variables---gender, years of teaching experience and school location---were considered in the study. For only one of these, location of school, did a consistent pattern and a clear difference emerge. The urban teachers not only outscored their rural and suburban colleagues on the total questionnaire and in all four areas of school law but were clearly the most informed group in the study. They had the

highest average overall (63%), in two areas---teachers rights and responsibilities (61%) and health and safety (65%)---and the second highest score in two groups; teachers with 11-15 years of experience surpassed this in health and safety (66% vs 65%) and instruction (53% vs 48%).

BIBLIOGRAPHY

Beckman, J.C. (1981). Legal Aspects of Teacher Evaluation. National Organization on Legal Problems of Education.

Dastoli, S. et al Recent Graduates' and Student Teachers' Percepts of their Professional Competence. Paper presented at the Annual Convention of the Council for Exceptional Children at Chicago, Ill. April 20-24, 1987.

Epley, G. and Flowers, A. (1984). Teachers and Liability: The Courts Protective Role. Clearing House, Vol. 58, (4) p.149-152.

Fischer, L.; Schimmel, D.; and Kelly, C. (1987). Teachers and the Law, 2nd Ed. Longman, N.Y.

La Monte, M.W. (1982). School Law: Cases and Concepts, Prentice, Inc. Englewood Cliffs, N.J.

Melnick, N. and Twyman, L. (1986). Teacher as Exemplar: Freedom in Private Life. Clearing House Vol. 59(7), p. 301-304

Menacker, J. and Pascarella, E. (1983). How Aware are Educators of Supreme Court Decisions that Affect Them. Phi Delta Kappan, p. 424-426.

New York State School Boards Association (1990) School Law 1990: A Handbook for School Board Members. New York State School Boards Association, Inc. Albany, New York.

Nolte, M.C. (1978) How to Survive in Teaching: The Legal Dimension. Teachers, Inc. Chicago.

Sametz, L.; McLoughlin, C.; and Streib, V. (1983). Legal Education for Preservice Teachers: Basics or Remediation? Journal of Teacher Education. Vol.34(2), p. 10-12.

Sametz, L. and McLoughlin, C. (1983). Teachers' Knowledge of the Law as it Affects Children: Technical Note, Perceptual and Motor Skills Vol. 56(2), p. 565-566.

Sametz, L. and McLoughlin, C. (1984). Curriculum Innovation: Legal Education. Educational Horizons Vol. 62(3), p. 113-115.

Strahan, R.D. and Turner, L.C. (1987). The Courts and the Schools. Longman, N.Y.

APPENDIX

INSTRUMENTS

QUESTIONNAIRE ON SCHOOL LAW

This questionnaire seeks to assess your knowledge of school law and case law as it impacts on your professional role.

Please do not give your name.

Please complete the five preliminary items by selecting the appropriate response.

1. Your sex:
   a. male
   b. female

2. Years teaching
   a. 0-5
   b. 6-10
   c. 11-15
   d. 16-20
   e. 21 - more

3. Type of school you teach in
   a. elementary
   b. middle
   c. secondary

4. Your school's location can best be described as
   a. urban
   b. suburban
   c. rural

5. Have you taken a course or attended a workshop or inservice which stressed school law:
   a. within the past 5 years
   b. within the past 10 years
   c. more than 10 years ago
   d. never

The following items relate to laws and regulations which impact on the role of the classroom teacher in New York State. We have made every effort to ensure that each item is clear and direct and without hidden meaning.

Answer by marking answer sheet as follows:

True = A False = B No knowledge = C

Please do not guess at answers.

6. A district <u>cannot</u> require a teacher to submit to a medical examination, including a psychiatric examination, after employment has begun.

7. A school district may <u>unilaterally</u> impose a dress code for its faculty.

8. Teachers are allowed to administer corporal punishment under certain circumstances.

9. A school district's code of ethics for its employees may forbid certain conduct in addition to that specifically prohibited by law.

10. School districts must provide an attorney and pay legal fees where civil or criminal action is brought against a teacher who, in the discharge of his/her duties, takes disciplinary action against a student.

11. Teachers can be dismissed for written or oral statements which criticize school authorities, even if these statements have no impact on the district's objectives or its operation.

12. Teachers in New York State have the right to strike.

13. School districts have a duty to accommodate requests by teachers for time off for purposes of religious observation.

14. Tenured teachers may be dismissed for a single incident of insubordination.

15. Seniority is the sole criteria which districts may use to decide which teacher will be excessed.

16. A school district may set cut-off dates, such as four or five months before the due date or birth, for mandatory sick leave for pregnant teachers.

17. All instructional personnel are required by law to report suspected cases of child abuse.

18. When "reasonable suspicion" exists school officials may search a student.

19. Student locker searches are <u>illegal</u>.

20. School administrators have the authority to censor or curtail student publications.

21. A principal or Board of Education has the power to prescribe the manner and mode of dress of students while attending school solely on the basis of fashion or taste.

22. Students have the right to wear or display buttons, arm bands, flags, decals or other badges of symbolic personal expression, where the manner of expression does not materially intrude upon the orderly process of the school or the rights of others.

23. No student may be suspended in excess of five school days without the opportunity for a hearing.

24. A student grade may be lowered as part of a disciplinary measure unrelated to his/her academic performance; for example, disruptive behavior.

25. A student excluded from extracurricular activities for disciplinary reasons has a right to a full due process hearing.

26. A student with AIDS or any other HIV-related illness can be prohibited from attending school solely because he/she has an HIV-related illness.

27. School districts must provide pregnant students with educational opportunities which are equal to those provided to regular students.

28. Teachers have the right to duplicate copyrighted material in books or musical compositions, without authorization, for their classes or pupil groups.

29. Public schools are required to follow specific state syllabi.

30. High school principals or guidance directors can prevent a student from taking a high school course because, in their judgment, the student could not pass the course.

31. School districts are required to provide instruction on AIDS in grades K-12.

32. Schools may teach about religion.

33. A student may be prohibited from taking a regents examination because of failure to pass a local qualifying examination.

34. After a textbook has been designated for use, it is prohibited for the Board of Education to supersede such textbook by any other book within a period of five years except upon a three-fourths vote of the school board.

35. A school board may remove a previously approved textbook because of objections to the material's vulgarity and sexual explicitness, without contravening First Amendment guarantees.

36. A waiver of liability or a permission slip signed by a parent or guardian when the children go on school-sponsored trips significantly reduces the liabilities of the school and/or staff.

37. A school board unilaterally can adopt a policy, which is more restrictive of smokers' rights than prescribed by the clean indoor air act.

38. The classroom teacher may <u>not</u> send a student off school grounds on a personal errand; for example, to a store.

39. Teachers may take up collection of money for charitable drives from school children in the schools.

40. Flammable paper products may <u>not</u> be placed within two feet of the ceiling in classrooms or hallways.